

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Nov 26, 2024**Eastern District of Washington**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michelle M. Zat

Case Number: 0980 2:22CR00133-TOR-2

Address of Offender: [REDACTED], Airway Heights, Washington 99001

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: September 20, 2023

Original Offense: Conspiracy to Commit Bank Fraud, 18 U.S.C. § 1349

Original Sentence:	Prison - 24 months	Type of Supervision: Supervised Release
	TSR - 60 months	

Asst. U.S. Attorney:	Earl Allan Hicks	Date Supervision Commenced: May 17, 2024
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Defense Attorney:	Federal Defender's Office	Date Supervision Expires: May 16, 2029
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PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 11/05/2024.

On May 21, 2024, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Michelle Zat, as outlined in the judgment and sentence. She signed the judgment acknowledging the requirements.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition #7: You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: On or about November 14, 2024, Michelle Zat allegedly violated special condition number 7, by consuming alcohol.

On November 15, 2024, the offender was subject to phase urinalysis testing at Pioneer Human Services (PHS), and provided a urine sample that was presumptive positive for ethyl glucuronide (ETG). Unbeknownst to Mrs. Zat, the U.S. Probation Office recently began utilizing equipment that allows urine samples to be tested for the presence of ETG, the direct metabolite of ethanol, which is the main component of alcohol.

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The offender denied consuming alcohol and signed a denial of use form. She subsequently contacted this officer, while still at PHS, insisting she had consumed Nyquil because she had been having trouble sleeping; she suggested that because Nyquil contains approximately 10% alcohol it was likely the reason for the false-positive. The undersigned explained that if she had in fact consumed Nyquil as prescribed, it would likely not be enough alcohol to test positive during urinalysis testing.

Mrs. Zat then stated she had been “drinking” Nyquil from about 3:30 p.m. to 9:30 p.m. for the last 7 days because she was having difficulty sleeping. This officer pointed out Nyquil is not recommended to be consumed in that manner, and as such, her consumption of Nyquil would be considered a violation of her supervision conditions.

Because the offender had denied consuming alcohol while at PHS, the urine sample she provided on November 15, 2024 was sent to the laboratory for additional testing. On November 26, 2024, this officer received the laboratory results confirming the urine sample provided by the offender on November 15, 2024, was confirmed to be positive.

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Special Condition #8: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On or about November 19, 2024, Michelle Zat allegedly violated special condition number 8, by failing to report for phase urinalysis testing when her assigned color was identified for testing.

On November 20, 2024, the undersigned officer received notification from PHS that the offender had failed to report for phase urinalysis testing on November 19, 2024, when her assigned color was identified for testing.

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Special Condition #7: You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: On or about November 19, 2024, Michelle Zat allegedly violated special condition number 7, by consuming alcohol.

On November 20, 2024, the undersigned contacted Mrs. Zat in response to her failure to report for phase urinalysis testing the day prior, on November 19, 2024; she was subsequently instructed to report to the U.S. Probation Office for random urinalysis testing.

Later that date, on November 20, 2024, the offender reported to the U.S. Probation Office as instructed. Prior to submitting to random urinalysis testing, Mrs. Zat admitted to the use of alcohol (whiskey to be specific), the night before, on or about November 19, 2024. She signed an admission of use form confirming that use.

The offender then submitted to random urinalysis testing and provided a urine sample that was presumptive positive for ETG.

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Special Condition #7: You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: On or about November 21, 2024, Michelle Zat allegedly violated special condition number 7, by consuming alcohol.

On the morning of November 22, 2024, this officer received a text message from the offender's husband stating that she was headed to the probation office as instructed by the undersigned. That was odd considering the undersigned officer was not in the office on that date, and thus, Mrs. Zat had not been instructed to report.

Shortly after 12 p.m. on that date, probation office staff confirmed Mrs. Zat had not reported as expected. At approximately 12:27 p.m., the undersigned contacted the offender and she sounded to be under the influence. This officer asked her if she was planning to report to the probation office and she responded she had not been instructed to, so this officer inquired about why she would have told her husband that she was.

During that conversation with Mrs. Zat, on November 22, 2024, this officer asked if she had been drinking alcohol. She adamantly denied having consumed alcohol since her last admitted use on or about November 19, 2024. The offender was then instructed to report to the U.S. Probation Office for random urinalysis testing.

Mrs. Zat suggested she would test positive for ETG because she had consumed alcohol on November 19, 2024, but the undersigned assured the offender that if the urine sample tested positive, this officer would contact the laboratory and request an interpretation. It was explained to Mrs. Zat that a laboratory interpretation could determine whether or not there was additional use based on the concentration levels of ETG in her urine samples.

At that point, the offender admitted to consuming alcohol on or about November 21, 2024, and she was instructed to immediately report to the probation office to sign an admission of use form. Because the undersigned had concerns she was intoxicated, Mrs. Zat was instructed to get a ride to the office.

On November 22, 2024, the offender reported to the U.S. Probation Office. According to the probation officer that met with Mrs. Zat, she smelled very strongly of alcohol, was loud and unstable on her feet. The offender subsequently submitted to urinalysis testing and provided a urine sample that was once again positive for ETG. She signed an admission of use form confirming her use to the assigned officer.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/26/2024

s/Amber M.K. Andrade

Amber M.K. Andrade
U.S. Probation Officer

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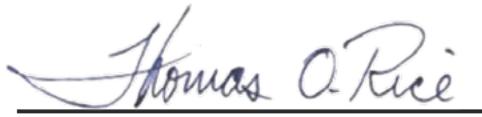
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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Defendant to appear before the Judge assigned to the case.
- Defendant to appear before the Magistrate Judge.
- Other



Thomas O. Rice
United States District Judge

November 26, 2024

Date